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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
THE RHODES COMPANIES, LLC, aka
"Rhodes Homes," et al.,

Reorganized Debtors

- ☒ Affects all Debtors
☐ Affects the following Debtors

Case No.: 09-14814-LBR
(Jointly Administered)

Chapter 11

**DECLARATION OF KEVIN N.
ANDERSON IN SUPPORT OF EX
PARTE MOTION FOR ORDER
SHORTENING TIME FOR NOTICE
AND HEARING ON MOTION TO
QUASH ORDERS OF RULE 2004
EXAMINATION AND
CORRESPONDING SUBPOENAS
AND/OR FOR PROTECTIVE ORDERS**

Hearing Date: _____
Hearing Time: _____
Place: Courtroom 1

I, Kevin N. Anderson, make the following statement under the penalty of perjury of the laws of the United States of America and the laws of the State of Nevada.

1. I am over the age of eighteen (18).
2. I am an attorney licensed to practice law in the State of Nevada.

1 3. I represent James M. Rhodes (“**Rhodes**”) in the above-entitled bankruptcy case.

2 4. The Court is currently scheduled to hear the claims remaining on the Reorganized
3 Debtors’ objection to the Greenway Partners Claim and the Scheduled Claims on September 27,
4 2011 at 10:30 a.m. (Docket No. 1495).

5 5. On August 30, 2011 and August 31, 2011, without allowing time for objections,
6 the Court entered four orders granting Rule 2004 examinations of various financial institutions
7 (Docket No. 1512), law firms (Docket No. 1518), title companies (Docket No. 1517) and other
8 professionals (Docket No. 1519).

9 6. In spite of Fed. R. Civ. P. 45(b)(1), which mandates that if a “subpoena commands
10 the production of documents . . . , then before it is served, a notice must be served on each party,
11 on August 31, 2011, without notice to anyone, the Litigation Trust issued several expansive
12 subpoenas requesting vast amounts of irrelevant, privileged, confidential and personally
13 identifiable information (the “**Rule 2004 Subpoenas**”).

14 7. On September 14, 2011, Rhodes filed his Motion to Quash Orders of Rule 2004
15 Examination and Corresponding Subpoenas and/or For Protective Orders asking the Court to
16 quash the Rule 2004 Subpoenas because, among other things, they lack good cause and are overly
17 expansive. (Docket No. 1538). Alternatively, Rhodes’ Motion asks the Court to issue a
18 protective order limiting the scope of the Rule 2004 Subpoenas and protecting the confidential
19 information sought.

20 8. Pursuant to Rule 9006 of the Federal Rules of Bankruptcy Procedure and Local
21 Rule 9006, the Court may, for cause, enter an order shortening for notice and hearing. *See*
22 Fed. R. Bankr. P. 9006; Local Rule 9006.

